THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19584 of 1997

Dated:21.2.2007

Between
The Depot Manager,
APSRTC, Nalgonda.

.....Petitioner

and

1. The Presiding Officer,
Labour Court-III, Hyderabad
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19584 of 1997

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the Award made in I.D.No.537 of 1993 dated 8.11.1996 on the file of the 1st respondent and to quash the same.

It appears that the 2nd respondent was appointed as Driver on 10.4.1984 in the petitioner-Andhra Pradesh State Road Transport Corporation (for short 'APSRTC'). While he was performing the duties on 8.5.1990, on the route from Chandoor to Hyderabad, the checking officials exercised a check and found that 2nd respondent committed certain cash and ticket irregularities

and a charge sheet was issued framing the following charges.

"i)For having violated the safe driving instructions while driving the vehicle of Nalgonda on the route Nalgonda to Hyderabad viz., Gottpal on 8.5.1990 by allowing passengers in the cabin at the right side of the streering and chitchatting with them which might have lead to accident, which constitutes misconduct in terms of Section 28 (ix) (a) & (xxxi) of APSRTC Employees (Conduct) Regulations, 1963.

ii) For having refused to attest the passengers statement and offer spot explanation by stating that

which constitutes misconduct in terms of Reg.28 (Viii) & (xxi) of APSRTC Employees (Conduct) Regulations, 1963.

iii) For having bluntly refused to receive the charge Memo No.11/044454 Dated 8.5.90 issued on the spot which constitutes under Reg.28 (viii) and (xxi) of APSRTC Employees (Conduct) Regulations, 1963.

iv) For having misbehaved against the checking officials and replied rudely as

which constitutes misconduct under Reg.28 (viii) and (xxi) of APSRTC Employees (Conduct) Regulations, 1963."

It appears that after conducting a detailed enquiry into the matter, the 2nd respondent was removed from service. Aggrieved by the same, the 2nd respondent raised a dispute in I.D.No.537 of 1993 under Section 2-A (2) of the Industrial Disputes Act, 1947 before the Labour Court, Hyderabad. The Labour Court, after a detailed consideration of the entire evidence on record, came to the conclusion that the 2nd respondent is entitled for reinstatement into service with continuity of service and all attendant benefits and 50% of the back wages. Aggrieved thereby, the present writ petition is filed by the petitioner-APSRTC.

During the pendency of the writ petition,

2nd respondent died and his wife was impleaded as 3rd respondent by order dated in 11.04.2000 in W.P.M.P.No.7626 of 2000.

Initially, interim stay was granted, thereafter the same was vacated. When the amounts were not paid, the 2nd respondent filed MP No.3 of 2002. The Labour Court decided the MP in her favour and awarded an amount of Rs.1,33,063/-. Aggrieved by the same, the petitioner-Management filed a writ petition and the same is pending before this Court.

Be that as it may, the charges framed against the 2nd respondent cannot be said to be grave. They are general in nature and the 2nd respondent did not use any un-parliamentary language. He simply asserted that he did not do anything wrong, but the checking officers noted what ever they liked. This is the substance of charge Nos.2,3 and 4. Whereas Charge No.1, it is alleged that the

2nd respondent was not driving the bus as per the safety instructions and he was chitchatting with the passenger, who was sitting in the cabin, which might have lead to ghastly accident. These are all imagination of the checking officials. The checking officials are supposed to check the bus when the bus was stopped. In fact, they do not know what exactly happened when the bus was being driven.

Under those circumstance, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

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21.2.2007

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